

6-04-04

1449 ~~AF~~ 1642

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/697,206
		Filing Date	October 26, 2000
		First Named Inventor	Daniel E. H. AFAR
		Art Unit	1642
		Examiner Name	M. Davis
Total Number of Pages in This Submission	8	Attorney Docket Number	511582002100

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, 1 page in duplicate	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form 1449, 2 pages
<input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>3</u>	Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks CUSTOMER NO. 36327	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP David L. Devernoe - 50,128
Signature	
Date	June 2, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273020298 US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 2, 2004

Signature:

(Rhea Amid)



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PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	09/697,206
Filing Date	October 26, 2000
First Named Inventor	Daniel E. H. AFAR
Examiner Name	M. Davis
Art Unit	1642
Attorney Docket No.	511582002100

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = x =

Independent Claims -3** = x =

Multiple Dependent =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					180.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	David L. Devernoe	Registration No. (Attorney/Agent)	50,128	Telephone	(858) 720-7943
Signature		Date	June 2, 2004		



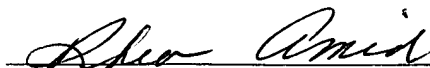
PATENT
Docket No. 511582002100

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 273020298 US

Date of Deposit: June 2, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR et al.

Serial No.: 09/697,206

Filing Date: October 26, 2000

For: NOVEL GENE UPREGULATED IN
CANCERS OF THE PROSTATE

Examiner: M. Davis

Group Art Unit: 1642

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith on CD-R due to length. The Examiner is requested to make these documents of record.

The Applicants understand that the Office is not obligated to consider these references due to receipt of a final Office Action in the present matter. Respectfully, the Applicants assert

06/07/2004 MBLAND 00000010 031952 09697206

01 FC:1806 180.00 DA

sd-180975

application, and accordingly, are hereby submitted out of concern for completeness in the present file.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☒ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☒ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search

has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **511582002100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 2, 2004

Respectfully submitted,

By:



David Devernoe
Registration No. 50,128

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
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Facsimile: (858) 720-5125

Form PTO-1449

Docket Number 511582002100

Application Number 09/697,206

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Daniel E. H. AFAR et al.

Filing Date October 26, 2000

Group Art Unit 1642

Mailing Date June 2, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	01/2002	US2002004491	Xu et al.	514	44	
	2.	07/2002	US2002085998	Jiang et al.	424	93.21	
	3.	08/2002	US2002102602	Yuqiu et al.	435	7.1	
	4.	11/2002	US2002172952	Henderson et al.	435	6	
	5.	12/2002	US2002197669	Bangur et al.	435	69.1	
	6.	12/2001	US6331427	Robison	435	226	
	7.	05/2002	US6387697	Yuqui et al.	435	325	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	8.	05/2002	CN1351081	China			Abstract
	9.	02/2001	EP1074617	EPO			
	10.	03/2000	WO200015799	WIPO			
	11.	04/2000	WO200021991	WIPO			
	12.	09/2000	WO200055177	WIPO			
	13.	09/2000	WO200055350	WIPO			
	14.	10/2000	WO200060076	WIPO			
	15.	01/2001	WO200100828	WIPO			
	16.	03/2001	WO200118046	WIPO			
	17.	03/2001	WO200118542	WIPO			
	18.	04/2001	WO200122920	WIPO			
	19.	05/2001	WO200131012	WIPO			
	20.	07/2001	WO200149716	WIPO			
	21.	08/2001	WO200155302	WIPO			
	22.	08/2001	WO200155314	WIPO			
	23.	10/2001	WO200179286	WIPO			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 511582002100

Application Number 09/697,206

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

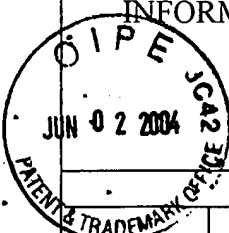
Applicant

Daniel E. H. AFAR et al.

Filing Date October 26, 2000

Group Art Unit 1642

Mailing Date June 2, 2004



	24	12/2001	WO200192581	WIPO				
	25	12/2001	WO200194629	WIPO				
	26	12/2001	WO200196388	WIPO				
	27	12/2001	WO200196390	WIPO				
	28	01/2002	WO200200677	WIPO				
	29	01/2002	WO200204514	WIPO				
	30	01/2002	WO200208456	WIPO			Abstract	
	31	02/2002	WO200210449	WIPO				
	32	04/2002	WO200229103	WIPO				
	33	05/2002	WO200239885	WIPO				
	34	08/2002	WO200258534	WIPO				
	35	08/2002	WO200260317	WIPO				
	36	09/2002	WO200270539	WIPO				
	37	10/2002	WO200277013	WIPO				
	38	10/2002	WO200281749	WIPO				
	39	10/2002	WO200283070	WIPO				
	40	10/2002	WO200283956	WIPO				
	41	11/2002	WO200295000	WIPO				
	42	01/2003	WO2003004989	WIPO				
	43	02/2003	WO2003010329	WIPO				
	44	06/1995	WO9514772	WIPO			Abstract	
	45	02/1999	WO9906550	WIPO				
	46	08/1999	WO9938972	WIPO				
	47	11/1999	WO9958675	WIPO				
	48	12/1999	WO9964576	WIPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.